

## REMARKS

Claims 1 – 2, 4, 5, 8 – 10, 15, and 16 are in the application. Claims 1, 2, 4, 5, 8 – 10, 15, and 16 were previously presented; and claims 3, 6, 7, 11 – 14, 17, and 18 are canceled. Claims 1, 15, and 16 are the independent claims herein.

No new matter has been added. Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 112**

Claims 1, 2, 4, 5, 8 – 10, 15, and 16 were rejected under 35 U.S.C. 112, first paragraph for allegedly containing subject matter that was not described in the Specification in a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the invention, had possession of the claimed invention. In particular, the Final Office Action (FOA) stated that Applicant's claimed, "wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements" is not supported by the Specification. This rejection is traversed.

Applicant appreciates and understands the arguments presented in the FOA. However, Applicant respectfully submits that the statements and arguments in the FOA do not fully consider the full extent of the disclosure of Applicant's Specification. Applicant notes that the Specification states,

[0040] A hierarchical relationship can be set up between any two or more elements, such that as a user traverses up or down the hierarchy, a different set or subset of elements will be selected and addressed. Data that describes one or more security risks for a selected element can be provided by the STM system 102 to the user. Generalized security risk data can be received from a security risk data source, which can include, for example, a government agency, a private investigation firm, public news, news feeds, internal security efforts, law enforcement agency or other source.

[0041] Referring now to FIG. 2A, a block diagram illustrates a series of hierarchical levels 210-206 that a user can traverse via the STM. Each hierarchical level can allow a user to zoom in or zoom out on a level of detail relating to security elements tracked by the STM. Each hierarchical level can be associated with various aspects of one or more security risks or threats. For example a high level i.e. 201 may include a large geographic region or nationally defined element and address those security risks that are related to the region or nation. A lower level i.e. 205 may include a particular floor of a specified building and include increased detail to security risks that are related to that particular building and floor. (Emphasis added) (Specification, paragraphs 0040 and 0041)

Thus, it is clear from the Specification as cited hereinabove, that the claimed aspect of, “wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements” is in fact supported by the Specification as originally filed by Application. The Specification specifically states that the data that describes one or more security risks for a selected element can be provided by the STM system 102 to the user. Even though generalized security risk data can be received from a security risk data source, the Specification makes it clear that the data relating to the particular element are associated with the element.

Accordingly, Applicant respectfully submits that the Specification does in fact provide support for the claimed aspect of, “wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements”. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5, 8 – 10, 15, and 16 under 35 USC 112, first paragraph.

### **Claim Rejections – 35 USC § 103**

Claims 1, 2, 4, 5, 8 – 10, 15, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beverina et al. U.S. Publication No. 2001/0027388 (hereinafter,

Beverina) in view of Zimmers et al. U.S. Publication No. 2005/0013417 (hereinafter, Zimmers). This rejection is traversed.

Applicant notes that claim 1 relates, in part, to a computer implemented method for managing security risk, the method including setting, in a computer storage, a hierarchical relationship between two or more elements comprising an entity wherein a first element of a first hierarchical level comprises a physical facility and a second element of a second hierarchical level subordinate to the first element comprises one of a facility, a resource, and an asset located at the physical facility of the first element; receiving into the computer storage, on a real time basis, an indication of a security risk associated with one or more of the first or second elements, wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm and is received from government agency or a news feed and wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements. Thus, it is clear that the security risk associated with the one or more of the first or second elements are also specifically associated with the corresponding hierarchical level of the first or second elements. Claims 15 and 16 are worded similar to claim 1.

Applicant respectfully maintains that the alleged “setting” of the hierarchical relationship between the first and second elements by Beverina is not the same as the claimed setting. In particular, Applicant notes that Beverina’s FIG. 5 illustrates a screenshot of a 3D Builder CAD program. No “setting” of a hierarchical relationship between a first element having a first hierarchical level and a second element having a second hierarchical level subordinate to the first element is demonstrated or articulated by Beverina. Contrary to the Office’s arguments of record, the arrangement of the floors of a building does not explicitly or implicitly set a hierarchical relationship. That is, the mere configuration of a building does not convey or imply a hierarchical relationship. FIG. 8 of Beverina discloses the risk assessment of a set of resources (i.e., buildings),

however a hierarchical relationship between the buildings is not shown as being set. FIG. 15 is a continuance of FIG. 8.

Applicant also notes that the cited paragraphs 0015, 0078, 0079 0110, and 0129 also fail to disclose the claimed setting of a hierarchical relationship between a first element having a first hierarchical level and a second element having a second hierarchical level subordinate to the first element. Paragraph 0015 is not seen as relevant; paragraphs 0078 and 0079 relate to FIG. 5 that depicts an Influence Network of risk nodes 510 and 510a. The nodes 510 and 510a are not the same as Applicant's first element comprising a physical facility having a first hierarchical level and a second element of a facility, resource, and asset having a second hierarchical level subordinate to the first element. Nodes 510 and 510a each relate to risk factors.

Paragraphs 0110 and 0129 are equally devoid of any disclosure of the claimed first element comprising a physical facility having a first hierarchical level and a second element of a facility, resource, and asset having a second hierarchical level subordinate to the first element. Referring to paragraph 0129 specifically, nodes 510 and 510a each relate to risk factors of FIG. 5. The parent and child nodes, 510 and 510a respectively, do not relate to the Office Action's building "element" and floor "element" within the building. As stated above and clearly disclosed by Beverina, the risk factors illustrated by nodes 510 and 510a are not the same as or substitutes for the Office Action's cited and relied upon building and floor within the building. Thus, the relationships depicted by nodes 510 and 510a do not refer to a similar or same relationship between the asserted and argued building and floor within the building.

Furthermore, Applicant has demonstrated with respect to the rejection under 35 USC 112, first paragraph, that the claimed "security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements" is supported by the Specification. Applicant notes that the claims specifically recite that the "security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of

the first or second elements". Thus, it is not proper for the Office to allege that the claimed security risk is based solely on the element and is not based on the hierarchical level when the claims explicitly state that the security risk associated with the one or more of the first or second elements *is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements*.

Applicant respectfully submits that the claimed aspect of "the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements" is due the full consideration of the Office since it is in fact supported by the Specification and relevant to the claimed "receiving" operation.

Applicant further submits that even if Zimmers were combined with Beverina as alleged in the Office Action (not admitted as suggested by the references or feasible by Applicant), the alleged combination would not render claim 1 obvious. This is true since the asserted combination of references fail to disclose or suggest all of that for which they, in combination, were cited and relied upon for disclosing and/or suggesting.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 1 under 35 USC 103(a). Claims 2 and 4, 5, and 8 – 10 depend from claim 1. Applicant respectfully submits that claims 2, and 4, 5, and 8 – 10 are patentable over Beverina and Zimmers for at least depending from an allowable base claim, and claims 15 and 16 are patentable for at least the same reasons as claim 1.

## **C O N C L U S I O N**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

/Randolph P. Calhoun/  
Randolph P. Calhoun  
Registration No. 45,371  
Buckley, Maschoff & Talwalkar LLC  
50 Locust Avenue  
New Canaan, CT 06840  
(203) 972-5985